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10	UNITED STATES D	
11	NORTHERN DISTRIC	
12	SAN FRANCISO	CO DIVISION
13		<del></del> ,
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15	TASH HEPTING, GREGORY HICKS,	No. C-06-00672-VRW
16	CAROLYN JEWEL and ERIK KNUTZEN on	
17	Behalf of Themselves and All Others Similarly	
18	Situated,	
19	Plaintiffs,	
20	VS.	
21		DATE:
22	AT&T CORP., AT&T INC. and	TIME:
23	DOES 1-20, inclusive,	CTRM: 6, 17th Floor
24	Defendants.	JUDGE: Hon. Vaughn R. Walker,
25		Chief U.S. Dist. Judge
26		
27		
28		
29	NOTICE OF CONSENT MOTION FOR LEA	
30	CENTER FOR CONSTITU	JTIONAL RIGHTS AND
31	THE AMERICAN CIVI	L LIBERTIES UNION
32	PURSUANT TO STIPULATION OF	THE PARTIES [CIVIL L.R. 7-11]
33		
34		
35	Shayana Kadidal	Ann Beeson
36	CENTER FOR CONSTITUTIONAL RIGHTS	Jameel Jaffer
37	666 Broadway, 7th Floor	Melissa Goodman
38	New York, NY 10012-2317	Scott Michelman
39	phone: (212) 614-6438	Catherine Crump
40	fax: (212) 614-6499	National Legal Department
41		AMERICAN CIVIL LIBERTIES UNION
42	J. Ashlee Albies	FOUNDATION
43	NATIONAL LAWYERS GUILD	125 Broad Street, 18th Floor
44	P.O. Box 42604	New York, NY 10004-2400
45	Portland, OR 97242	(212) 549-2500
<b>T</b> J	1 Ordana, OK 7/272	(212) 377-2300

## TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that on \_\_\_\_\_\_\_\_, 2006, at \_\_\_\_\_\_\_.m., in Courtroom 6 of the above-captioned Court, located at 450 Golden Gate Ave., 17th Floor, San Francisco, California, the undersigned proposed Amici Curiae will and hereby do move the Court for leave to appear and file the accompanying proposed *Brief of Amici Curiae* supporting unsealing of the documents provided to plaintiffs' counsel the Electronic Frontier Foundation by former AT&T employee Mark Klein and filed with the court under seal pursuant to Local Rule 79-5.

Proposed amici are the Center for Constitutional Rights and the American Civil Liberties Union, both national non-profit legal and educational organizations, as described in the Statements of Interest in the attached proposed brief. On January 17 of this year, amici brought separate lawsuits challenging the legality of the NSA Program and seeking injunctive relief against it. See Center for Constitutional Rights, et al. v. Bush, et al., 06-cv-313 (GEL) (S.D.N.Y.); American Civil Liberties Union, et al. v. National Security Agency/Central Security Service, et al., No. 2:06-CV-10204 (ADT) (E.D. Mich.).

Proposed amici believe the attached brief of amici curiae is desirable in this case, and the matters asserted are relevant to the disposition of this case, because the attached brief sets forth legal arguments based on the public interest in openness of court proceedings and filings, and also sets forth the specific interests of the American public in the presumptive content of the sealed documents, which are perspectives distinct from those of the litigants.

Proposed amici have sought and received the consent of counsel for plaintiffs and defendants to the filing of this brief, pursuant to the conditions indicated in the attached stipulation of the parties.

1	For the above stated reasons, amici respectfully request that the Court grant this motion
2	and accept the attached brief of amici curiae.
_	
3	
4	Respectfully submitted,
5	
6 7	
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30	Jameel Jaffer
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37 38	125 Broad Street, 18th Floor New York, NY 10004-2400
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39 40	(212) 347-2300
41	April 24, 2006
.	<b>r</b>

1 2 3 4 5 6 7 8 9	Marc Van Der Hout NATIONAL LAWYERS GUILD 180 Sutter Street, 5th Floor San Francisco, CA 94104 phone: (415) 981-3000 fax: (415) 981-3003 ndca@vblaw.com (California Bar # 80778)		
10 11 12 13	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION		
14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	TASH HEPTING, GREGORY HICKS, CAROLYN JEWEL and ERIK KNUTZEN on Behalf of Themselves and All Others Similarly Situated, Plaintiffs, vs.  AT&T CORP., AT&T INC. and DOES 1-20, inclusive, Defendants.  [PROPOSED] ORDER REGARDING LEAR CENTER FOR CONSTITUTE AMERICAN CIVIL	UTIONAL RIGHTS AND	
32 33 34 35 36 37 38 39 40 41 42 43 44	Shayana Kadidal CENTER FOR CONSTITUTIONAL RIGHTS 666 Broadway, 7th Floor New York, NY 10012-2317 phone: (212) 614-6438 fax: (212) 614-6499  J. Ashlee Albies NATIONAL LAWYERS GUILD P.O. Box 42604 Portland, OR 97242	Ann Beeson Jameel Jaffer Melissa Goodman Scott Michelman Catherine Crump National Legal Department AMERICAN CIVIL LIBERTIES UNION FOUNDATION 125 Broad Street, 18th Floor New York, NY 10004-2400 (212) 549-2500	

1	Pursuant to Civil Local Rule 7-11, the stipulation of the parties, and good cause
2	appearing, it is HEREBY ORDERED as follows:
3	Proposed amici the Center for Constitutional Rights and the American Civil Liberties
4	Union are granted leave to appear as amici curiae and the Court will accept for filing their <i>Brief</i>
5	of Amici Curiae of April 24, 2006, supporting unsealing of the documents provided to plaintiffs'
6	counsel the Electronic Frontier Foundation by former AT&T employee Mark Klein and filed
7	with the court under seal pursuant to Local Rule 79-5.
8	* * *
9	ORDER
10	IT IS SO ORDERED.
11	DATED:
12 13	THE HON. VAUGHN R. WALKER CHIEF UNITED STATES DISTRICT JUDGE

1	PILLSBURY WINTHROP SHAW PITTMAN	LLP
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13	Attorneys for Defendants	
	AT&T CORP. and AT&T INC.	
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15	UNITED STATES D	DISTRICT COURT
	NO POWER LANGUE AND A COMPANY	
16	NORTHERN DISTRIC	CT OF CALIFORNIA
17	SAN FRANCISO	CO DIVISION
1 /	SANTRANCIS	ODIVISION
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19	TASH HEPTING, GREGORY HICKS,	No. C-06-0672-VRW
	CAROLYN JEWEL and ERIK KNUTZEN	110. 6 00 00/2 1100
20	on Behalf of Themselves and All Others	STIPULATION RE:
	Similarly Situated,	PARTICIPATION OF AMICI
21	2	CURIAE IN CIVIL LOCAL
	Plaintiffs,	RULE 79-5 PROCEEDINGS; AND
22		[PROPOSED] ORDER
	VS.	( · · ) -
23		Courtroom: 6, 17th Floor
	AT&T CORP., AT&T INC. and DOES 1-20,	Judge: Hon. Vaughn R. Walker
24	inclusive,	
25	Defendants.	
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1		RECITALS
2	A.	Would-be Amici Curiae ("Amici") have expressed an interest in filing
3	amicus brief	s on the issue of whether documents lodged with this Court pursuant to Civil
4	Local Rule 7	'9-5 should be filed under seal or not (the "Sealing Issue").
5	B.	The parties do not object to the participation of qualified Amici in briefing
6	on the Sealin	ng Issue provided that (1) their participation is on the terms and conditions set
7	forth in this s	stipulation and (2) such terms and conditions are acceptable to the Court.
8		STIPULATION
9	Plain	tiffs TASH HEPTING, GREGORY HICKS, CAROLYN JEWEL and ERIK
10	KNUTZEN	(collectively, "Plaintiffs"), through their attorneys of record, and Defendant
11	AT&T COR	P. and specially appearing defendant AT&T INC. (collectively, "Defendants")
12	through their	attorneys of record, hereby stipulate that they have no objection to the
13	participation	of qualified Amici in briefing on the Sealing Issue on the following terms:
14	1.	Amici shall file and serve their briefs no later than Monday, April 24, 2006.
15	Service by A	amici of their briefs on the parties shall be made and completed the same day
16	by e-service	(via ECF), hand service, emailing of .pdfs or fax.
17	2.	The parties will e-file and e-serve their responses (if any) to Amici
18	supporting th	ne other side by Friday, April 28.
19	3.	This stipulation applies only to the Sealing Issue.
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1	DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B	
2	I, BRUCE A. ERICSON, hereby declare pursuant to General Order 45, § X.B, that I	
3	have obtained the concurrence in the filing of this document from the other signatory listed	
4	below.	
5	I declare under penalty of perjury that the foregoing declaration is true and correct.	
6	Executed on April 21, 2006, at San Francisco, California.	
7	PILLSBURY WINTHROP SHAW PITTMAN LLP	
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17	By <u>/s/ Bruce A. Ericson</u> Bruce A. Ericson	
	Attorneys for Defendants	
18	AT&T CORP. and AT&T INC.	
19	ELECTRONIC FRONTIER FOUNDATION	
20	CINDY COHN LEE TIEN	
21	KURT OPSAHL KEVIN S. BANKSTON	
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25	REED R. KATHREIN JEFF D. FRIEDMAN	
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6	
7	By/s/ Cindy Cohn
8	Cindy Cohn
9	Attorneys for Plaintiffs
10	[PROPOSED] ORDER
11	Pursuant to the above stipulation, and good cause appearing,
12	IT IS SO ORDERED.
13	Dated: April, 2006.
14	
15	Hon. Vaughn R. Walker
16	United States Chief District Judge
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